



REQUEST FOR PROPOSAL Notice to Prospective Proposers

You are invited to submit a proposal to the California Natural Resources Agency for the position of West Coast Governors' Agreement (WCGA) on Ocean Health Project Coordinator. In submitting your proposal, you must comply with these instructions.

Note that all agreements entered into with the State of California will include by reference General Terms and Conditions GTC 307 and Contractor Certification Clauses that may be viewed and downloaded at Internet site www.ols.dgs.ca.gov/. If you do not have Internet access, a hard copy can be provided by contacting the person listed below.

In the opinion of the California Natural Resources Agency, this RFP is complete and without need of explanation. However, if you have questions, or should you need any clarifying information, the contact person for this RFP is:

Erinn M^cKell
California Natural Resources Agency
(916) 653-6598

Please note that no *verbal* information given will be binding upon the State unless such information is issued in writing as an official addendum.

I. Purpose and Description of Required Services

The WCGA Executive Committee seeks the services of a Project Coordinator to provide project management, strategic planning services and administrative support for the West Coast Governors' Agreement on Ocean Health.

A. Background

The West Coast Governors' Agreement on Ocean Health is a proactive, regional collaboration to protect and manage ocean and coastal resources along the entire West Coast. Launched on Sept. 18, 2006 by Gov. Gregoire of Washington, Gov. Kulongoski of Oregon and Gov. Schwarzenegger of California, the agreement advances regional ocean governance efforts as called for in the recommendations of the U.S. Commission on Ocean Policy and the Pew Oceans Commission.

The agreement seeks to advance the goals of:

1. Ensuring clean coastal waters and beaches.
2. Protecting and restoring ocean and coastal habitats.
3. Promoting the effective implementation of ecosystem-based management.
4. Reducing adverse impacts of offshore energy development.
5. Increasing ocean awareness and literacy among residents.
6. Expanding ocean and coastal scientific information, research and monitoring.
7. Fostering sustainable economic development in our communities.

After extensive public participation and close coordination with three federal co-leads appointed by the Subcommittee on the Integrated Management of Ocean Resources (SIMOR), the Governors released their Action Plan in July 2008 (available at <http://westcoastoceans.gov/>). The Action Plan contains 26 actions to jointly solve some of the most challenging ocean and coastal problems.

In late summer 2008, ten working groups were established including representatives from each of the three states, federal and tribal governments, academia, industry, non-governmental organizations and other interested citizens. Each working group is supported by a Point-of-Contact who also serves as staff to the Executive Committee. These working groups convened in the October 2008 in Seattle, Washington, to move forward on implementing these important actions. Draft action-specific work plans were released for public comment in June 2009 and are expected to be finalized in early-mid 2010.

B. Services Required

The WCGA Executive Committee seeks the services of a Project Coordinator to provide project management, strategic planning services and administrative support for the West Coast Governors' Agreement on Ocean Health. The following tasks and deliverables for the Project Coordinator have been identified:

Task 1: Project Management

The contractor will support the Executive Committee and the Point of Contact for each Action Coordination Team (ACT) by providing current status reports on all action items to the Executive Committee.

Deliverables: Contractor will develop periodic status reports on action items, including the two-year milestone formal report the states committed to in the final action plan.

Task 2: Executive Committee and Points-of-Contacts Conference Calls

Contractor will convene conference calls for the Executive Committee and for the Points of Contacts. Contractor is responsible for communicating with participants, primarily through email to schedule calls, for developing and disseminating call agendas in advance, for memorializing discussions and using information and decisions reached on calls to inform subsequent actions.

Deliverables: Contractor will coordinate communication, develop agendas and ensure updates are informing future actions.

Task 3: Content Management for Website

Contractor will be responsible for providing and updating content on the WCGA website. Web hosting and web master services will continue to be provided by NOAA's Northwest Fisheries Science Center.

Deliverables: Contractor will be responsible for timely updates and modifications to the website (www.westcoastoceans.gov) in addition to developing website material to keep the public apprised of the status of the action items.

Task 4: Research, Writing, and Materials Development

Contractor will be responsible for research, writing and communication tasks needed to produce memos, letters, presentations and reports on behalf of the WCGA. Interim components may be required to support ongoing efforts between state and federal entities.

Deliverables: Contractor will draft letters on behalf of the Executive Committee to fulfill specific actions in final action plan and will develop a formal two-year milestone report on the status of the action items listed in the WCGA. This report will be distributed widely to the public. Contractor will also make presentations to and provide other materials for the Executive Committee members as required.

Task 5: Fundraising

Contractor will be responsible for identifying new funding opportunities and working with the Executive Committee and their staff to develop any materials needed to aid in fundraising. The Contractor will be the lead on assuring that all deadlines are met, coordinating materials development and completing all grant reporting requirements.

Deliverables: Contractor will develop lists of potential funding sources, materials for grant applications and grant reports.

Task 6: Communication and Outreach

The Executive Committee seeks to increase outreach and communication about the WCGA with particular constituent groups as well as the general public. The Contractor will be responsible for increasing the communication and outreach efforts by means such as a regularly-scheduled newsletter or through the use of social networking.

Deliverables: Regularly-scheduled newsletters, social networking or other means to increase awareness about the work of the WCGA.

Task 7: Research creation of a WCGA Foundation

Contractor will investigate the potential establishment of a non-profit foundation to aid the WCGA. The Executive Committee seeks to better understand whether a non-profit foundation may facilitate the management of the WCGA's work, including the receipt and expenditures of funds. The contractor shall investigate legal, budgetary, feasibility and other issues to consider in establishing a foundation. The contractor will also investigate various organizations, such as the Tides Center, that develop and support non-profit foundations.

Deliverables: Contractor will provide adequate information to the Executive Committee in order to make a decision about the establishment of a foundation.

Task 8: Other duties as assigned by the Executive Committee

Contractor will perform additional duties as assigned by the Executive Committee over the course of the contract. Such duties may include, but are not limited to creating and tracking performance measures and supporting ACT Points of

Contact. These duties will evolve based on candidate skill set and the needs of the Executive Committee.

II. Proposal Requirements and Information

A. Key Information

Title of Position: *West Coast Governors' Agreement Project Coordinator*

Work Location: California, Oregon or Washington preferred; proposals from anywhere in the U.S. will be accepted. Travel throughout the West Coast and possibly to Washington, D.C. will be required.

Direct questions to: Erinn M^oKell
California Natural Resources Agency
(916) 653-6598
erinn.mckell@resources.ca.gov

B. Key Action Dates

RFP available to Prospective Proposers	March 29, 2010
Final Date for Proposal Submission	April 23, 2010
Candidate Interviews	May 17 - 20, 2010
Notice of Intent to Award	June 2, 2010
Proposed Award Date	June 8, 2010
Proposed Contract Start Date	July 1, 2010

C. Compensation

The Executive Committee seeks the services of a Project Coordinator for approximately 40 hours per week. Compensation range is \$45 - \$75 per hour, commensurate with experience and contingent upon length of final contract agreement. The base contract length will be one year with the potential to extend the contract for up to one additional year. The total contract amount will

include travel costs of up to \$10,000 per year and reimbursement for administrative supplies of up to \$2,000 per year.

The Project Coordinator shall be an independent contractor and is not in any way considered an employee or agent of the California Natural Resources Agency. No fringe benefits are provided. The contractor will be responsible for direct payment of any federal or state taxes and will provide their own equipment such as a computer, phone line etc., to complete the tasks. Funding for these services is contingent upon approval of State of California's Coastal Impact Assistance Plan grant agreement for this project by the Department of the Interior's Minerals Management Service, expected by May 2010.

III. Selection Criteria

A. Educational & Subject Knowledge

Candidates for this position should be familiar with ocean and coastal management policy issues including, but not limited to, regional ocean governance, climate change adaptation, coastal zone management, sustainable community development, water pollution, renewable ocean energy, integrated ecosystem assessments and regional sediment management planning. The successful candidate will also be familiar with strategies involved in public outreach, education and promotion of ocean literacy. The candidate should possess the requisite knowledge of these relevant issues in order to provide proactive guidance on strategies to accomplish goals in the Action Plan. A Bachelors degree is required and candidates with a Masters degree in public policy, life science, environmental science, political science or related fields are preferred.

B. Project Management Experience

Candidates should have approximately five (5) years of project management experience directly in or closely related to ocean and coastal resource management issues. Candidate should have outstanding written and oral communication skills and be comfortable initiating and coordinating communication between all levels of constituents. Candidates should be comfortable working independently and managing time and resources to ensure completion of responsibilities.

C. Fiscal Management

Candidates should be familiar with the state and federal budget processes in

order to facilitate / coordinate procurement and distribution of grant funds.

D. Cost of Services

Candidates will be evaluated based upon their proposed costs for providing the services outlined above.

IV. Evaluation Process

Our goal is to obtain the highest qualified contractor to achieve the objectives within the required time frame and at a reasonable cost. All eligible proposals will be reviewed to determine which ones meet the requirements specified in the RFP. Proposals meeting these requirements will be evaluated by an agency evaluation committee. The evaluation committee will evaluate and score proposals using the methods specified below. The contract will be awarded to the proposer whose proposal is given the highest score by the evaluation committee. Proposals that contain false or misleading statements, or which provide references, which do not support an attribute or condition claimed by the proposer, may be rejected.

Each proposal will be evaluated on the basis of the selection criteria outlined in Section III.

The following is a breakdown of point assignments for each selection criteria category:

<u>Rating/Scoring Criteria</u>	<u>Maximum Possible Points</u>
Educational & Subject Knowledge	30 points
Project Management Experience	25 points
Fiscal Management	15 points
<u>Cost of Services</u>	<u>30 points</u>
Total Possible Points	100 points

Applicants selected for an interview will be contacted by May 3, 2010.

Small Business and Disabled Veterans Business Enterprises (DVBE) are encouraged to apply. See Section IX for additional information regarding compensation and evaluation incentives. See Appedices I, II and III for DVBE and Small Business incentive instructions and forms.

V. Submission of Proposal

- a) To ensure an objective and fair review of all proposals, a complete proposal submission will consist of the following five (5) components:
- 1) Transmittal Letter – Normal transmittal letter, covering highlights and unique qualifications. Letter should include all key contact information including mailing address, email address (es) and phone number(s). **Length: One (1) page maximum**
 - 2) Statement of Work - Provide a summary statement of specific key competencies related to the project identified above. The statement should be accompanied by a list of all relevant projects completed, including clear descriptions of work delivered, time frames and project budget. **Length: Four (4) pages maximum.**
 - 3) Professional Background - Provide a summary of all professional and/or project experience, including succinct biographical information in the form of a resume or CV. **Length: Three (3) pages maximum.**
 - 4) List of Client References - Provide a list of references for your work, including contact name, address, telephone number, nature of work, length of engagement, contract amount (e.g., 1 year, \$ 100,000).
Length: One (1) page maximum.
 - 5) Budget Proposal – Provide a proposed budget, including hourly rate and other costs. Please include approximately \$10,000 per year for travel costs and \$2,000 per year for supplies/photocopying, etc. **Length: One (1) page maximum**
- b) All content developed through this contract will become property of the states of California, Oregon and Washington. Academic and other publications based on the work are acceptable if the following statement is included on each publication: “The views expressed herein are those of the author(s) and have not been reviewed by, nor have they been approved by, the states of Washington, Oregon and California.”
- c) Proposals should provide straightforward and concise descriptions of the proposer's ability to satisfy the requirements of this RFP. The proposal must be complete and accurate. Omissions, inaccuracies or

misstatements may be cause for rejection of a proposal.

- d) **Proposals are due at the California Natural Resources Agency, Office of the Secretary, no later than the close of business, 5:00 P.M. on April 23, 2010.** Late submittals will be considered at the California Natural Resources Agency's discretion.
- e) **Five (5) copies and one (1) electronic copy (CD) of the proposal must be submitted.** The original proposal must be marked "ORIGINAL COPY". All documents contained in the original proposal package must have original signatures and must be signed by a person who is authorized to bind the proposing firm. All additional proposal sets may contain photocopies of the original package.
- f) The proposal envelopes must be plainly marked with the RFP number and title and your firm name and address. Mailed or hand-delivered hard copies of the application should be addressed to:

Erinn M^cKell
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814
- g) Proposals must be submitted for the performance of all the services described herein. Any deviation from the work specifications will not be considered and will cause a proposal to be rejected.
- h) A proposal may be rejected if it is conditional or incomplete, or if it contains any alterations of form or other irregularities of any kind. The State may reject any or all proposals and may waive an immaterial deviation in a proposal. The State's waiver of an immaterial deviation shall in no way modify the RFP document or excuse the proposer from full compliance with all requirements if awarded the agreement.
- i) Costs incurred for developing proposals and in anticipation of award of the agreement are entirely the responsibility of the proposer and shall not be charged to the State of California.
- j) A proposer may modify a proposal after its submission by withdrawing its original proposal and resubmitting a new proposal prior to the proposal submission deadline as set forth in the Key Action Dates. Proposal modifications offered in any other manner, oral or written, will not be

considered.

- k) A proposer may withdraw its proposal by submitting a written withdrawal request to the State, signed by the proposer or an authorized agent. A proposer may thereafter submit a new proposal prior to the proposal submission deadline. Proposals may not be withdrawn without cause subsequent to proposal submission deadline.
- l) The awarding agency may modify the RFP prior to the date fixed for submission of proposals by the issuance of an addendum to all parties who received a proposal package.
- m) The awarding agency reserves the right to reject all proposals. The agency is not required to award an agreement.
- n) The State does not accept alternate contract language from a prospective contractor. A proposal with such language will be considered a counter proposal and will be rejected. The State's General Terms and Conditions (GTC) are not negotiable.
- o) No oral understanding or agreement shall be binding on either party.

VI. Award and Protest

- a) Notice of the proposed award shall be posted in a public place in the office of California Natural Resources Agency for five (5) working days prior to awarding the agreement.
- b) If any proposer, prior to the award of agreement, files a protest with the California Natural Resources Agency and the Department of General Services, Office of Legal Services, 707 Third Street, 7th Floor, Suite 7-330, West Sacramento, CA 95605, on the grounds that the (protesting) proposer would have been awarded the contract had the agency correctly applied the evaluation standard in the RFP, or if the agency followed the evaluation and scoring methods in the RFP, the agreement shall not be awarded until either the protest has been withdrawn or the Department of General Services has decided the matter. It is suggested that you submit any protest by certified or registered mail.

- c) Within five (5) days after filing the initial protest, the protesting proposer shall file with the Department of General Services, Office of Legal Services and the California Natural Resources Agency a detailed statement specifying the grounds for the protest.
- d) Upon resolution of the protest and award of the agreement, Contractor must complete and submit to the awarding agency the Payee Data Record (STD 204), to determine if the Contractor is subject to state income tax withholding pursuant to California Revenue and Taxation Code Sections 18662 and 26131. This form can be found on the Internet at www.osp.dgs.ca.gov under the heading FORMS MANAGEMENT CENTER. No payment shall be made unless a completed STD 204 has been returned to the awarding agency.
- e) Upon resolution of the protest and award of the agreement, Contractor must sign and submit to the awarding agency, *page one (1)* of the Contractor Certification Clauses (CCC), which can be found on the Internet at <http://www.dgs.ca.gov/>.

VII. Disposition of Proposals

- a) Upon proposal opening, all documents submitted in response to this RFP will become the property of the State of California, and will be regarded as public records under the California Public Records Act (Government Code Section 6250 et seq.) and subject to review by the public.
- b) Proposal packages may be returned only at the proposer's expense, unless such expense is waived by the awarding agency.

VIII. Agreement Execution and Performance

- a) Performance shall start not later than ten (10) days, or on the express date set by the awarding agency and the Contractor, after all approvals have been obtained and the agreement is fully executed. Should the Contractor fail to commence work at the agreed upon time, the awarding agency, upon five (5) days written notice to the Contractor, reserves the right to terminate the agreement. In addition, the Contractor shall be liable to the State for the difference between Contractor's Proposal price and the actual cost of performing work by another contractor.

- b) All performance under the agreement shall be completed on or before the termination date of the agreement.

IX. State Mandated Preference/Incentive Programs

a) Disabled Veterans Business Enterprise (DVBE) Program

DVBE Program Solicitation Requirements

The California Natural Resources Agency has exempted this solicitation from DVBE program requirements. However, exemption from the requirements do not preclude a qualified, responsive and responsible DVBE firm from participating in the solicitation process as a prime candidate and DVBE firms are invited to submit their responses to this solicitation..

DVBE Program Incentive

Under California Code of Regulations 1896.99.100, the California DVBE Incentive provides responsive and responsible firms the opportunity to receive additional incentive calculations. The incentive is applied at the time of solicitation evaluation when a proposing firm selects a California-certified DVBE subcontractor to provide services or commodities in support of the overall contract effort. Application of the DVBE Incentive *may* place the proposing firm in line for contract award. A business must be certified by or have certification pending with the Department of General Services, Office of Small Business and DVBE Services (OSDS) by 5:00 pm on the solicitation due date to be considered for the DVBE incentive. A business seeking DVBE incentive must submit all qualifying paperwork for review with this submission. Firms responding to this solicitation must notify the State at the time of proposal submission that certification is pending.

Application of the Incentive is based on the High Score Method. Responding firms must commit to a minimum one (1) percent before an incentive will be considered and the maximum allowable incentive will be five (5) percent. The incentive will be calculated by factoring the proposing firm's level of DVBE commitment by the total amount of points possible. This amount is then added to the firm's total points to determine if they have the high score. Computation is for evaluation purposes only and cannot be used to achieve any applicable minimum point requirements. (CCR 1896.99.100 (d)). DVBE Incentive participation is optional and at the discretion of the proposing firm.

DVBE Incentive Point-Based Example

Confirmed DVBE Participation	Possible Points Calculation
5% and Over	5% X 100 = 5 Points
4% - 4.99% inclusive	4% x 100 = 4 Points
3% - 3.99% inclusive	3% x 100 = 3 Points
2% - 2.99% inclusive	2% x 100 = 2 Points
1% - 1.99% inclusive	1% x 100 = 1 Point

Commercially Useful Function

Services or commodities provided by either a prime or a proposed DVBE firm MUST meet the definition of a “Commercially Useful Function” as defined under Government Codes: 14837; 14838.6; 14839; 14842; 14842.5 and Military and Veterans Code 999 and 999.6. A DVBE firm not meeting CUF regulations will render the responding firm ineligible for the DVBE Incentive application.

b) Small Business Preference

Under Government Code 14838 (2) California certified small business (SB) and micro-business (MB) firms are entitled to receive a 5% preference calculation when responding to state solicitations. The effect of the preference is to help SBs/MBs be more competitive in the bid process, thereby enhancing state contract awards directly or indirectly to SB/MB. The preference is only used for computation purposes to determine the awarded firm, the contract is awarded at the actual bid amount.

For solicitations based on high point score, Small Business Preference is calculated by multiplying the highest total points achieved by 5% and adding the resulting calculation to the total points of the Small Business firm. Bidders seeking to qualify for a small business preference must submit a copy of their DGS small business certification with this proposal

Responding firms seeking small or micro-business preference must be certified or have certification pending with the Department of General Services, OSDS by 5:00 pm on the solicitation due date to be considered for small business preference calculation. Firms responding to this solicitation must notify the State at the time of proposal submission that certification is pending.

c) Non-Small Business Preference

Non-small businesses proposing use of a California certified small or micro-business and sub-contracting at least 25% may, under certain conditions, receive a 5% bidding preference. Calculation of the non-small business cannot be used to displace a certified small business that has achieved high-points. This



preference is used only for computation purposes to determine the awarded firm, the contract is awarded at the actual bid amount.

X. Appendices

- I. California DVBE Bid Incentive Instructions
- II. Bidder Declaration Use and Evaluation Procedure
- III. Disabled Veteran Business Enterprise Declarations STD. 843 (Rev. 11/2005)

CALIFORNIA DVBE BID INCENTIVE INSTRUCTIONS (FOR NON-IT SERVICES)

BIDDERS ARE ADVISED TO READ THE INFORMATION AND INSTRUCTIONS CAREFULLY BEFORE BEGINNING

AUTHORITY: The Disabled Veteran Business Enterprise Goal Program is established in Public Contract Code (PCC) Section 10115 et seq., Military and Veterans Code (MVC) 999 et seq. and California Code of Regulations (CCR) Title 2, Section 1896.6 et seq. State agencies and departments must include the opportunity for DVBE Incentive when failing to meet overall DVBE participation goals in two consecutive years. Those agencies and departments attaining DVBE overall participation goals at least two consecutive years may elect to exempt, or waive, the DVBE Incentive feature in their solicitations

For the purpose of clarity, the term “bidder” is used herein as a reference to either a firm bidding on an Invitation to Bid (IFB) or a firm responding to a Request for Proposal (RFP) primary or secondary.

INTRODUCTION

The California Natural Resources Agency has exempted this solicitation from DVBE program requirements. As a condition of bid submission, bidders are not required to meet DVBE program requirements and are relieved from these requirements. However, the DVBE Incentive, included herein, provides opportunity for a responsive and responsible bidder to receive additional incentive calculations when they do include DVBE participation. The incentive is applied at the time of bid evaluation when a bidder selects a California-certified DVBE subcontractor to provide services or commodities in support of the overall contract scope. Application of the DVBE Incentive *may* place the bidder in line for contract award. Resulting awards made are made at the bidder’s original bid or proposal price.

DVBE Incentive Key Elements:

- o The Incentive is applied during the evaluation process and is *only* applied to responsive bids from responsible bidders proposing the percentage(s) of DVBE participation for the incentive(s) specified in the solicitation.
- o DVBE Incentive participation is *optional* and at the discretion of the bidder.
- o When requesting the Incentive, bidder must complete the attached Documentation of DVBE Program Requirements and Certification of DVBE Participation. These forms must be included with the bid submittal.
- o Computation is for evaluation purposes only and does not alter the final bid price. (CCR 1896.100 (b))
- o Services or commodities provided by the DVBE firm *must* meet the definition of a “Commercially Useful Function” (CUF) as defined under Government Codes: 14837; 14838.6; 14839; 14842; 14842.5 and Military and Veterans Code 999 and 999.6. Failure of the DVBE subcontractor to meet CUF requirements will render the bidding firm ineligible for the DVBE Incentive application.

DVBE INCENTIVE

In accordance with Section 999.5(a) of Military and Veterans Code an incentive will be given to bidders who include DVBE participation in their bid response. For evaluation purposes only, the State shall apply an incentive to bids that propose California certified DVBE participation identified on the attached California DVBE Program Requirements and the Bidder Certification DVBE Participation and will be confirmed by the State.

The incentive given is equal to the participation level identified by the bidder in both the Documentation of DVBE Program Requirements and Certification of DVBE Participation and cannot not be less than 1 percent or greater than 5 percent. Those firms identifying less than one percent will not be considered for the incentive application. The incentive amount for awards based on low price will vary in conjunction with the proposed DVBE participation. Unless a table that replaces the following has been expressly established elsewhere within the solicitation, the following percentages will apply for awards based on low price:

Confirmed DVBE Participation:

DVBE Participation Level	Incentive Applied
Less than 1.0	0%
1.0 up to 1.99%	1%
2.0 up to 2.99%	2%
3.0 up to 3.99%	3%
4.0 up to 4.99%	4%
5% or Higher	5%

As applicable:

- **Awards based on low price:** the net bid price of responsive bids will be reduced (for evaluation purposes only) by the amount of the DVBE incentive as applied to the lowest responsive net bid. If the #1 ranked responsive, responsible bid is from a California certified Small Business, the only bidders eligible for the incentive will be California certified Small Businesses. The incentive adjustment for awards based on low price cannot exceed 5 percent or \$100,000, whichever is less, of the #1 ranked net bid. When used in combination with a preference adjustment (SB/TACPA/EZA/LAMBRA), the cumulative adjustment amount is not to exceed \$100,000.
- **Awards based on highest score:** the solicitation shall include an individual requirement that identifies incentive points for DVBE participation. The incentive will be calculated by factoring the total number of points possible by the level of DVBE participation identified by the proposing firm. These points will then be added to the proposing firms overall point score.

LOCATING DVBE FIRMS

Contact the Awarding Department

- Contact the DWR SB/DVBE Advocate for suggested DVBE firms who may have identified themselves as potential subcontractors, or for a list of firms the department may have created in response to this solicitation.

Other State and Federal Agencies and Local Organizations

STATE: Access the list of certified DVBE firms by using the Department of General Services, Procurement Division (DGS-PD) online certified firm data base. Access the database at: www.eprocure.dgs.ca.gov .

To begin your search:

- o Click on “SB/DVBE Search”. “Search by Keywords” OR “United Nations Standard Products and Services Codes (UNSPC)” that apply to the elements you want to subcontract to a DVBE.
- o Check for Subcontractor ads that may be placed on the California State Contracts Register for this solicitation prior to the closing date. Access CSCR at: www.eprocure.dgs.ca.gov
- o Contact OSDS at (916) 375-4940 for assistance, or email at: OSDSHelp@dgs.ca.gov

FEDERAL: Search the U.S. Small Business Administrations (SBA) Central Contractor Registration (CCR) on-line database at www.ccr.gov/ to identify potential DVBE firms and click on the: "Dynamic Small Business

Search" button. Search options and information are provided on the CCR site and first time users are advised to "click" on the help button for detailed instructions.

ADVISEMENT: DVBE firms located on the SBA CCR site must be confirmed as California DVBE certified in order to receive DVBE participation credit. Cross check the firm against the DGS OSDS firm listing to verify firm is in fact a California certified DVBE.

LOCAL: Contact local DVBE organizations to identify DVBEs. For a list of local organizations, go to www.pd.dgs.ca.gov/smbus and select: DVBE Local Contacts.

WEBSITE RESOURCES AND INFORMATION

RESOURCE	FOR
<p>U.S. Small Business Administration (SBA): https://www.bpn.gov/ccr/default.aspx</p> <p>Access the Central Contractor Registration on-line database. Available only through internet contact.</p>	<p>Service-Disabled-owned businesses in California. <i>Be sure to verify each DVBE's California Certification.</i></p>
<p>Local Organizations: Go to www.pd.dgs.ca.gov/smbus and select: DVBE Local Contacts (New 02.09) (pdf)</p>	<p>List of potential DVBE subcontractors</p>

DGS-PD EProcurementWebsite: www.eprocure.dgs.ca.gov

Phone: (916) 375-2000

Email: eprocure@dgs.ca.gov

- SB/DVBE Search
- CSCR Ads
- Click "training tab" to access eProcurement Training Modules for Small Business (SB)/DVBE Search

DGS-PD Office of Small Business and DVBE Services (OSDS)

707 Third Street, Room 1-400, West Sacramento, CA 95605

Website: www.pd.dgs.ca.gov/smbus

OSDS Receptionist, 8 am-5 pm: (916) 375-4940

PD Receptionist 8 am-5 pm: (800) 559-5529

Fax: (916) 375-4950

Email: osdchelp@dgs.ca.gov

- Directory of California-Certified DVBEs
- Certification Applications
- Certification Information
- Certification Status, Concerns
- General DVBE program information
- DVBE Business Utilization Plan
- Small Business/DVBE Advocates

DVBE INCENTIVE INFORMATION AND DOCUMENTATION**COMMITMENT TO FULL DVBE PARTICIPATION**

Commitment is obtained for a bidder who is itself a certified DVBE or who commits to proposed and certified DVBE(s) to fulfill the DVBE participation identified in Bidder Certification of DVBE Participation.

COMMITMENT

Bidder DVBE commitment must be more than 1 percent. The Incentive calculation will not be applied to commitments of less than 1 percent. Bidder uses Option 1 – Bidder is a Certified DVBE, or Option 2 Non-DVBE Bidder. If the bidder fails to identify the level of DVBE commitment on the required forms at the time of bid submission, no Incentive application will be applied.

ELECTION OF DVBE OPTION**OPTION 1 – BIDDER IS ITSELF A CERTIFIED DVBE**

- Bidder commits to performing at least one (1) percent of the contract amount as a prime firm or in combination with other DVBE firms.
- Bidder must document DVBE participation level using the Documentation of DVBE Program Requirements.
- Bidder must submit Certification of DVBE Participation confirming DVBE commitment.
- Bidder must provide evidence of DVBE certification – obtained through the Office of Small Business and DVBE Services (OSDS).

OPTION 2 – BIDDER DVBE COMMITMENT

- Commit to a certified DVBE firm for at least 1percent of the bid amount.
- Bidder must document DVBE participation level using the Documentation of DVBE Program Requirements.
- Bidder must submit written confirmation and acceptance from the identified DVBE subcontractor using Certification of DVBE Participation.
- Bidder must submit evidence of DVBE certification – obtained through the Office of Small Business and DVBE Services (OSDS).

DOCUMENTATION OF DVBE PROGRAM REQUIREMENTS

BIDDER IS ADVISED TO READ INSTRUCTIONS CAREFULLY.

COMMERCIALLY USEFUL FUNCTION (California Code of Regulations, Title 2, Section 1896.61 (I))

Firms selected must perform a “commercially useful function” relevant to this contract. The term “DVBE contractor, subcontractor or supplier” means any person or entity that satisfies the ownership (or management) and control requirements of CCR 1896.61 (f); is certified in accordance with CCR 1896.70 and provides services or goods that contribute to the fulfillment of the contract requirements by performing a commercially useful function. As defined in MVC 999, a person or an entity is deemed to perform a “commercially useful function” if a person or entity does **all** of the following:

- Is responsible for the execution of a distinct element of the work of the contract
- Carries out the obligation by actually performing, managing, or supervising the work involved
- Performs work that is normal for its business services and functions
- Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices

A contractor, subcontractor, or supplier will not be considered to perform a commercially useful function if the contractor’s, subcontractors, or supplier’s role is limited to that of an extra participant in order to obtain the appearance of disabled veteran business participation.

DVBE OPTION DESIGNATION - Check the appropriate box to indicate the option you are choosing with which to meet your DVBE commitment. You are advised to read all instructions carefully prior to completing the forms.

- OPTION 1:** I am a certified DVBE firm bidding this solicitation as a prime firm and as such, my commitment is at least three percent.
- OPTION 2:** I am not a certified bidder but I have committed to meeting DVBE participation of at least 3 or more percent.
- OPTION 3:** I am submitting a copy of our firm’s “Notice of Approved DVBE Business Utilization Plan” (BUP)

INSTRUCTIONS FOR DOCUMENTING DVBE PROGRAM REQUIREMENTS

Read document carefully. Failure to complete and provide the required documentation will result no incentive application.

1. Be sure to make the proper determination that the selected DVBE firm meets California CUF requirements.
2. Under “DVBE OPTION DESIGNATION” above select the option appropriate for your firm’s commitment and then complete Bidder Certification of DVBE Participation.
 - a. For Option 1, complete Bidder Certification of DVBE Participation, Sections 1 – 3 and return both the Documentation of DVBE Program Requirements page and the Bidder Certification page with the DVBE firm’s OSDS DVBE certification with your response
 - b. For Option 2, see Bidder Certification instructions below

BIDDER CERTIFICATION OF DVBE PARTICIPATION

Bidders are required to complete BIDDER CERTIFICATION OF DVBE PARTICIPATION to document their commitment to a DVBE firm or firms. A separate form is required for each DVBE commitment. Failure to complete r this form and include it with your bid/proposal submission will result in a determination of DVBE Incentive noncompliance and no incentive will be applied.

- Section 1: Complete prime firm/bidder business information
- Section 2: Identify services or commodities to be provided by the DVBE subcontractor
- Section 3: Identify the commitment level your firm is making to the DVBE subcontractor; provide the printed and signed name of the legally authorized representative and sign/date the document.
- Section 4: Is to be completed by the DVBE firm. Fax or email the completed/signed document to the DVBE. Provide the DVBE firm with instructions to:
- Complete the form and to include all information
 - Sign and date the form
 - Return the form via email or fax to you
 - Include a current copy of their OSDS certification – available through OSDS eProcurement SB/DVBE Website

DISABLED VETERAN BUSINESS ENTERPRISE DECLARATIONS, STD. 843

All prime DVBE firms or DVBE firms acting as subcontractors for materials, supplies, services or equipment rental must submit an original signed DVBE Declaration, Std. 843 with their bid, or provide one to the prime for inclusion with their bid submittal. [Military and Veterans Code 999.3]

BIDDER CERTIFICATION OF DVBE PARTICIPATION

In accordance with Military and Veterans Code, Article 6 (commencing with Section 999) of Chapter 6, Division 4 of the California Military Code, Public Contract Code 10115, as the prime bidder, you are yourself, or you have selected, and mutually agreed to partner with, a California certified DVBE contractor to provide commodities or services related to the performance of services identified in the IFB/RFP solicitation document. Submission of this form constitutes an agreement between the Prime Bidder and the Certified DVBE Sub-Contractor to fulfill California Disabled Veteran Business Enterprise Participation Program requirements related to the final executed contract. Any change to the DVBE sub-contractor must be submitting in writing to the California Natural Resources Agency.

The Bidder Certification form must be signed by company representatives with recognized legal authority to do so.

SECTION 1 - PRIME BIDDER BUSINESS INFORMATION					
FIRM NAME					
FIRM CONTACT					
STREET ADDRESS					
CITY		STATE		ZIP	
FIRM TELEPHONE		FAX#:			
EMAIL				FEIN#	

SECTION 2 - IDENTIFY THE SERVICES OR COMMODITIES TO BE PROVIDED BY THE SELECTED DVBE FIRM(S)

SECTION 3 - IDENTIFY YOUR FIRM'S DVBE COMMITMENT

I AM A CERTIFIED DVBE FIRM WITH A COMMITMENT OF ____%

I HAVE COMMITTED 3 PERCENT TO THE DVBE FIRM(S) LISTED BELOW

I HAVE COMMITTED GREATER THAN THREE PERCENT. PERCENT COMMITTED: ____%

I HAVE COMMITTED THE AMOUNT SPECIFIED IN THE SOLICITATION DOCUMENT. PERCENT COMMITTED: ____%

Printed Name of Authorized Representative	Signature of Authorized Representative	Date

SECTION 4 - DVBE FIRM INFORMATION					
FIRM NAME					
FIRM CONTACT					
STREET ADDRESS					
CITY		STATE		ZIP	
FIRM TELEPHONE		FAX#:			
EMAIL				DGS OSDS CERTIFICATION #	

Printed Name of Authorized DVBE Representative	Signature of Authorized DVBE Representative	Date

DISABLED VETERAN BUSINESS ENTERPRISE DECLARATIONS

STD. 843 (Rev. 11/2005)

Instructions: The disabled veteran (DV) owner(s) and DV manager(s) of the Disabled Veteran Business Enterprise (DVBE) must complete this declaration when a DVBE contractor or subcontractor will provide materials, supplies, services or equipment [Military and Veterans Code Section 999.2]. Violations are misdemeanors and punishable by imprisonment or fine and violators are liable for civil penalties. All signatures are made under penalty of perjury.

SECTION 1

Name of certified DVBE: _____ DVBE Ref. Number: _____

PO/Contract Description (materials/supplies/services/equipment): _____

Solicitation/Contract Number: _____ SCPRS Ref. Number: _____

(FOR STATE USE ONLY)

SECTION 2

APPLIES TO ALL DVBEs. Check only one box in Section 2 and provide original signatures.

I (we) declare that the DVBE is not a broker or agent, as defined in Military and Veterans Code Section 999.2 (b), of materials, supplies, services or equipment listed above. Also, complete Section 3 below if renting equipment.

Pursuant to Military and Veterans Code Section 999.2 (f), I (we) declare that the DVBE is a broker or agent for the principal(s) listed below or on an attached sheet(s). *(Pursuant to Military and Veterans Code 999.2 (e), State funds expended for equipment rented from equipment brokers pursuant to contracts awarded under this section shall not be credited toward the 3-percent DVBE participation goal.)*

All DV owners and managers of the DVBE (attach additional pages with sufficient signature blocks for each person to sign):

(Printed Name of DV Owner/Manager) (Signature of DV Owner/ Manager) (Date Signed)

(Printed Name of DV Owner/Manager) (Signature of DV Owner/Manager) (Date Signed)

Firm/Principal for whom the DVBE is acting as a broker or agent: _____
(If more than one firm, list on extra sheets.) (Print or Type Name)

Firm/Principal Phone: _____ Address: _____

SECTION 3

APPLIES TO ALL DVBEs THAT RENT EQUIPMENT AND DECLARE THE DVBE IS NOT A BROKER.

Pursuant to Military and Veterans Code Section 999.2 (c), (d) and (g), I am (we are) the DV(s) with at least 51% ownership of the DVBE, or a DV manager(s) of the DVBE. The DVBE maintains certification requirements in accordance with Military and Veterans Code Section 999 et. seq.

The undersigned owner(s) own(s) at least 51% of the quantity and value of each piece of equipment that will be rented for use in the contract identified above. I (we), the DV owners of the equipment, have submitted to the administering agency my (our) personal federal tax return(s) at time of certification and annually thereafter as defined in *Military and Veterans Code 999.2*, subsections (c) and (g). *Failure by the disabled veteran equipment owner(s) to submit their personal federal tax return(s) to the administering agency as defined in Military and Veterans Code 999.2, subsections (c) and (g), will result in the DVBE being deemed an equipment broker.*

Disabled Veteran Owner(s) of the DVBE (attach additional pages with signature blocks for each person to sign):

(Printed Name) (Signature) (Date Signed)

(Address of Owner) (Telephone Number of Owner) (Tax Identification Number of Owner)

Disabled Veteran Manager(s) of the DVBE (attach additional pages with sufficient signature blocks for each person to sign):

(Printed Name of DV Manager) (Signature of DV Manager) (Date Signed)

Bidder Declaration Use and Evaluation Procedure

Bidder Declaration

The Bidder Declaration provides buyers with a centralized location to evaluate the various factors required by law and policy as it relates to small business (SB), microbusiness (MB) and disabled veteran business enterprise (DVBE) programs. It also provides bidders and/or suppliers that submit responses to a competitive solicitation or a Request for Offers (RFO) a means to be compliant with subcontractor requirements and it makes them aware of a subcontractor's status.

There are two versions of the Bidder Declaration. The GSPD-05-105 and its respective instructions will be used for all written solicitations or Request for Offers. In doing so, buyers will write the solicitation number in the space provided in the header of the GSPD-05-105. When conducting a verbal solicitation, the GSPD-05-106 and its respective instructions must be provided to the suppliers for completion and must be signed by the prime supplier.

[Click](#) here to access the Bidder Declaration (GSPD-05-105 Written Version)

[Click](#) here to access the Bidder Declaration (GSPD-05-106 Verbal Version)

Usage

The Bidder Declaration (GSPD-05-105 or GSPD-05-106, as applicable) will be included in the following procurement approaches:

- Non-competitive
 - Competitive
 - SB/DVBE Option
 - LPA orders
 - Government agreements, including Interagency Agreements, when the possibility of using subcontractors exists.
 - Purchases exempt by statute and/or policy, when the possibility of using subcontractors exists.
-

Exceptions

The Bidder Declaration is not required for:

- Amendments that do not involve new or substitute subcontractors.
- Emergency purchases as defined by PCC section 1102 if it is ascertained that the bidder has not been listed as ineligible to transact business with the State, is not a California (CA) certified DVBE and is not using subcontractors.
- Purchases activities using Community Rehabilitation Programs or Prison Industry Authority.
- Verbal solicitations under \$5,000 if it is ascertained that the bidder has not been listed as ineligible to transact business with the State, does not possess a CA DVBE certification and the bidder is not using subcontractors.

Bidder Declaration Use and Evaluation Procedure, continued

Solicitation language

Buyers must include language regarding the Bidder Declaration form in all written solicitations and Requests for Offers for all procurement approaches. This includes the SB/DVBE Option procurement approach as identified in the previous infoblock.

When including the Bidder Declaration form in a solicitation that is not written, the same concepts as required for a written solicitation must be applied and the appropriate documentation must be retained in the procurement file. Refer to PAM, Chapter 4, Section B, Topic 1, Infoblock 4.B1.1.

[Click](#) here to access the required language to be included in solicitations and/or request for offers when including the Bidder Declaration form.

Note: [Click](#) here or [here](#) to access additional DVBE solicitation language.

Evaluation purpose

Buyers must review information provided on the Bidder Declaration to determine:

- Contract dynamics and relationships
- Certification factors

The table below provides information on how to review for both factors.

When reviewing for	The buyer	And evaluates
Contract dynamics and relationships	Determines whether circumstances dictate eligibility to contract with a prime and/or transact business with subcontractors	<ul style="list-style-type: none"> • Who is involved in the contract as: <ul style="list-style-type: none"> ▪ The prime and subcontractors • Role and responsibility of each firm involved in the contract • Whether all businesses are eligible to contract with the State based upon: <ul style="list-style-type: none"> ▪ State imposed sanctions that resulted in suspension ▪ Possession of applicable licenses and permits ▪ Valid Secretary of State standing for corporations
Certification factors	Validates bidder claims for SB and non-SB subcontractor preferences; DVBE goal attainment and/or DVBE incentive; and if there is adherence to certain laws.	<ul style="list-style-type: none"> ▪ The validity of identified certifications ▪ If those with certifications are CUF compliant ▪ If claims for SB or non-SB subcontractor preferences qualify ▪ If proposals claiming to meet DVBE goals and/or DVBE incentive(s) qualify ▪ DVBEs are not a broker/agent ▪ Rental equipment requirements are met for DVBEs

Bidder Declaration Use and Evaluation Procedure,continued

Documenting the defects

Buyers must document all defects found during the evaluation of the information contained in the Bidder Declaration. A determination can subsequently be made whether or not the deviation(s) is material.

File documentation

Buyers will document the procurement file to capture applicable information from the form and document the results of the form review. This information is recommended to be documented in the Procurement Summary or similar document based on department procedures or the selection and evaluation report as warranted by the procurement approach.

Purchase document

Whether or not subcontractors possess a California certification, buyers shall identify subcontractors in the resulting purchase document.

Example:

Contractor will use the following subcontractors in the performance of this purchase:

- XYZ Company (Microbusiness)
- Supplier Expertise (DVBE)
- Perform R Us

Note: The third subcontractor (Performa R Us) is not a certified SB/MB/DVBE business.

Evaluation approach

Evaluating the Bidder Declaration consists of the following actions:

- Reviewing the form for the proper completion and reviewing any attachments submitted.
 - Analyzing the information provided on the form and attachments. This may include review for and analyzing supplemental or additional information specific to the prime contractor and/or subcontractors that may also be provided elsewhere in the response.
-

Form completion

The following table identifies which items on the Bidder Declaration should contain information when the form is properly completed. However, proper completion of the form does not equate to compliance. Buyers are still required to analyze the information to determine responsiveness.

Bidder Declaration Use and Evaluation Procedure, continued

Part	Function
1a	Either one or more certification designations should be listed or "None" marked. If "None" is the appropriate designation, Items 1b and 1c should be blank.
1b	If yes is marked – a statement should be provided on the blank lines and information should be listed in the table in Item #2. If no is marked – the lines in this area and the table in Item #2 should be blank
1c(1)	If Item 1.a. identifies the prime as a DVBE, then either the "Yes" or "No" indicator should be marked. Otherwise, it should be blank.
1c(2)	If Item 1.a. identifies the prime as a DVBE, then either the "Yes", "No", or "N/A" indicator should be marked. Otherwise, it should be blank.
2	Each column should contain an entry for each proposed subcontractor.
3	This area must be completed when the GSPD-05-106 is used (verbal version).
Page #	The page indicator at the bottom of the form should be completed. It is possible that additional copies of the form are included or that information is provided on additional sheets.

Analyzing information

The following table describes the steps necessary for buyers to analyze the information on the form and attachments as applicable.

Step	Action
1	Check the OSDS database to validate that certifications for the prime and/or subcontractor(s) are still current and suppliers are eligible to transact business with the State.
2	Determine whether certified suppliers are performing a commercially useful function. Compare what is to be provided by the prime to what is to be provided by the subcontractors to ensure nothing is duplicated. Seek clarification and/or confirm information as applicable.
3	Confirm that the "Good Standing" indicator for sub contractors is "Yes". If "No" or blank then as applicable seek clarification and/or confirm information.
4	If applicable determine whether at least 25% certified subcontractor participation is listed.
5	If applicable determine whether the prime has met the DVBE goal and/or qualifies for a DVBE incentive.
6	If a supplier is a certified DVBE, identify the situation for a DVBE bidder and a DVBE subcontractor(s) as listed in the following table. Note: Prior to award to a DVBE (whether a prime or a subcontractor), a completed Disabled Veteran Business Enterprise Declaration (STD. 843) must be obtained and reviewed.

Bidder Declaration Use and Evaluation Procedure, continued

Analyzing DVBE bidder information The following table describes the steps to analyze information on the bidder declaration regarding the DVBE bidder.

If item 1.c (1) is	And item 1.c.(2) is	Then
Yes	Yes	<ul style="list-style-type: none"> Activity performed by the DVBE bidder cannot be counted toward the DVBE participation goal. If the bid is still compliant and eligible for award, it can be awarded. Contact OSDS to inform them of the broker/agent aspect. For reporting purposes, do not consider this supplier to be a DVBE.
Yes	N/A	<ul style="list-style-type: none"> Activity performed by the DVBE bidder cannot be counted toward the DVBE participation goal. If the bid is still compliant and eligible for award, it can be awarded. Contact OSDS to inform them of the broker/agent aspect. For reporting purposes, do not consider this supplier to be a DVBE.
Yes	No	<ul style="list-style-type: none"> Activity performed by the DVBE bidder cannot be counted toward the DVBE participation goal. If the bid is still compliant and eligible for award, it can be awarded. Contact OSDS to inform them of the broker/agent and rental aspect. For reporting purposes, do not consider this supplier to be a DVBE.
No	Yes	Bidder DVBE status can be counted.
No	N/A	Bidder DVBE status can be counted.
No	No	<ul style="list-style-type: none"> Activity performed by the DVBE bidder cannot be counted toward the DVBE participation goal. If the bid is still compliant and eligible for award, it can be awarded. Contact OSDS to inform them on the rental aspect. For reporting purposes, do not consider this supplier to be a DVBE.
<p>Note: If items 1.c.(1) and 1.c.(2) on the bidder declaration are both left blank use the information as provided on the STD.843 to analyze the information. If the STD.843 has not been provided then the buyer must have the bidder complete one.</p>		

51% Rental column

The following table describes to buyers how to analyze the DVBE subcontractors information identified in #2 of the bidder declaration as it relates to the applicability of rental equipment.

Bidder Declaration Use and Evaluation Procedure,continued

If the response to the 51% Rental question is	Then
Yes	<ul style="list-style-type: none"> • Subcontractor DVBE status can be counted
No	<ul style="list-style-type: none"> • Activity performed by the DVBE subcontractor cannot be counted toward the DVBE participation goal. • If the bid is still compliant and eligible for award it can be awarded • Contact OSDC to inform them of the rental aspect. • For reporting purposes do not consider this supplier to be a DVBE.
N/A	Can be counted
Blank	<ul style="list-style-type: none"> • Use the information provided on the STD.843. • If a STD.843 has not been provided require that the subcontractor complete one and adhering to the same guidelines analyze the information.